

IN THE UNITED STATES PATENT AND TRADEMARK O
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MEDQUEST GLOBAL MARKETING
RESEARCH, INC.

Opposer,

v.

MEDQUEST RESEARCH, LLC,
Applicant.

76/661,551

Opposition No. 91/179,798

Attorney Dkt. No.: MEDS-003

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, on the date set forth below.

November 29, 2007

Date of Signature and of Mail Deposit

By:

Thomas V. Smurzynski

Thomas V. Smurzynski

Reg. No. 24,798

Attorney for Applicant

**Applicant's Request for 45-Day Extension of
Time for Responding to Opposer's Discovery**

This opposition was filed on October 1, 2007.

On October 1, 2007, the Trademark Trial and Appeal Board initiated proceedings.

Answer was due November 9, 2007. Applicant filed its Answer on November 6, 2007.

The discovery period was set to open October 21, 2007, and to close April 18, 2008.

Opposer served a First Set of Interrogatories and a First Set of Requests for Production on Applicant on October 25, 2007. Applicant served a First Set of Interrogatories and a First Set of Requests for Production on Opposer on November 1, 2007.



12-03-2007

Applicant's responses to Opposer's discovery are therefore due November 29, 2007.

Applicant is a small business, and its principal officer, Dr. Susan Newlin, has been traveling extensively on business since Opposer's discovery requests were served. Applicant's counsel sent Opposer's discovery requests to Dr. Newlin on October 31, 2007. Applicant's counsel and Dr. Newlin have discussed the requests by phone, and Dr. Newlin has prepared a partial draft response.

However, it did not appear that a complete written response to Opposer's discovery requests could be prepared by November 29. Accordingly, Applicant's counsel e-mailed Opposer's counsel on November 26, and requested consent to a 45-day mutual extension of the parties' deadlines for responding to discovery.

Opposer's response was to agree to the mutual extension but only on certain conditions for handling depositions (discovery and testimony) in the future. The conditions set by Opposer for agreeing to the extension are ambiguous, and can be worked out at a later time when they are pertinent.

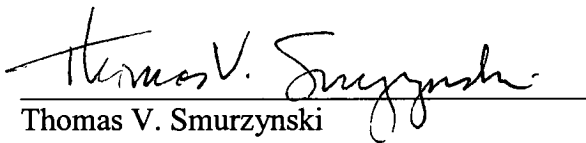
Since Applicant's counsel is unable to calculate the implications of the conditions for handling depositions, and is unwilling to agree to them at the present time, Applicant's counsel considers that its request for Opposer's consent has been refused, and has so informed Opposer's counsel.

Attached to this request for extension and marked Exhibit 1 are copies of Opposer's First Set of Interrogatories and Opposer's First Set of Requests for Production, which are quite comprehensive.

Also attached and marked Exhibit 2 are the e-mail correspondence between counsel regarding the requested extension.

The discovery requested by Opposer is extensive. Dr. Newlin is unable to prepare responses in time because of extensive business travel. It is still early in the initial discovery period set by the Board. Applicant requests that the Trademark Trial and Appeal Board grant Applicant a 45-day extension of time to respond to Opposer's discovery.

Respectfully submitted,

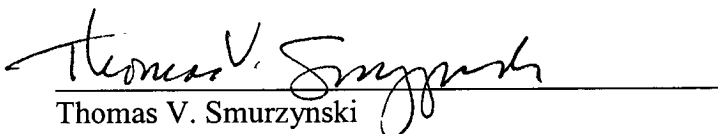


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Attorney for Applicant
MedQuest Research, LLC

Dated: Nov. 29, 2007

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPLICANT'S REQUEST FOR 45-DAY EXTENSION OF TIME FOR RESPONDING TO OPPOSER'S DISCOVERY was served by first-class mail, postage prepaid, on counsel for Opposer, Bruce A. Jagger, Belasco Jacobs & Townsley, LLP, 6100 Center Drive, Suite 630, Los Angeles, CA 90045, on this 29th day of November, 2007.



Thomas V. Smurzynski

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Attorneys for Medquest Global Marketing Research, Inc.
Opposed Mark: MEDQUEST
U.S. Trademark Application Ser. No. 76/661,551

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MEDQUEST GLOBAL MARKETING
RESEARCH, INC.,

Opposers,

v.

MEDQUEST RESEARCH, LLC,

Applicant.

)
) **Opposition No.: 91179798**
)
)
) **OPPOSER'S FIRST SET OF**
) **INTERROGATORIES**
) **(NOS. 1- 15) TO APPLICANT**
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)
)
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PROPOUNDING PARTY: Opposer MEDQUEST GLOBAL MARKETING RESEARCH, INC.

RESPONDING PARTY: Applicant MEDQUEST RESEARCH, LLC

SET NUMBER: ONE

Opposer Medquest Global Marketing Research, Inc., (hereinafter "Opposer"), by and
through its attorneys, hereby submits to Applicant Medquest Research, LLC (hereinafter

“Applicant”), the following interrogatories, and requests that separate and full answers thereto be made in writing under oath within thirty (30) days from the date of service hereof, pursuant to the provisions of Rule 33 of the Federal Rules of Civil Procedure.

INSTRUCTIONS

1. Where information or knowledge in the possession of Applicant is requested, each of the matters of such request includes knowledge of Applicant, its officers, agents, owners, employees, and, unless privileged, its attorneys.
2. If Applicant refuses to answer any portion of an Interrogatory on the ground that it requests disclosure of privileged information or is otherwise improper as to either form or substance, Applicant should answer so much of the Interrogatory as is proper and state the nature and basis for its contention that the remainder of the Interrogatory is improper.
3. The terms “refer” and “relate” are intended to be broadly inclusive and, as used here, encompass all documents that mention, comprise any part of or pertain to the subject matter requested as to which inquiry is made or identification sought.
4. Pursuant to Federal Rule of Civil Procedure 26(e), the Interrogatories propounded herein shall be deemed to seek answers as of the date herein but shall be deemed to be continuing so that any additional information relating in any way to these interrogatories which Applicant acquires or which become known to Applicant up to, and including, the time of the trial in this case shall be furnished to Opposer promptly after such information is acquired or becomes known.
5. If Applicant objects that a term or phrase is ambiguous or indefinite, then provide your understanding of the term or phrase and respond accordingly, as if that term or phrase has been so defined.

DEFINITIONS

As used herein, unless the context in which it appears clearly suggests otherwise, each of the following terms has the meaning set forth below:

1. The term "Opposer" refers to Opposer Medquest Global Marketing Research, Inc.
2. The terms "Applicant" and "YOU" refer to Applicant Medquest Research, LLC and any and all predecessors, parents, subsidiaries and divisions thereof, and all officers, directors, employees, agents, representatives, attorneys or other persons acting, or who at any time acted or purported to act, on behalf of Applicant Medquest Global Marketing Research, Inc. or on behalf of any such predecessors, affiliates, parents, subsidiaries and divisions thereof.
3. The term "OPPOSED MARK" refers to the opposed mark MEDQUEST which is the subject of U.S. Trademark Application Serial Number 76/661,551.
4. The term "the '551 Application" refers to the Trademark Application Serial Number 76/661,551.
5. The term "OPPOSER'S MARK" refers to Opposer's MEDQUEST mark as referred to in paragraphs two (2) through six (6) in the Notice of Opposition filed in this matter.
6. The term "prosecution" shall mean proceedings before the United States Patent and Trademark Office, including any interviews, correspondence or other materials, whether or not included in the prosecution file history maintained at the United States Patent and Trademark Office.
7. The term "person" refers to any natural person, firm, association, partnership, corporation, government agency or other form of legal entity.
8. The term "document" refers to any written or recorded matter as described in Rule 34 of the Federal Rules of Civil Procedure including, without limitation, all writings, drawings,

charts, photographs and recordings and shall include the original and every non-identical copy, draft or reproduction in the possession, custody or control of Applicant. The definition also includes information stored or recorded by any electronic means, including, without limitation, in a computer, hard drive, server compact disc, floppy disk, diskette, tape, record, cassette, electronic mail or voice mail, any other electronic recording or other data compilation from which information can be obtained or translated, or any matters defined in Rule 1001 of the Federal Rules of Evidence. Any such document bearing on any sheet (front or back), margin, attachment or enclosure thereof, any marks, such as, without limitation, initials, stamped initials, comments, or notations of any character, which are not part of the original text or reproduction thereof, is to be considered and produced as a separate document.

9. The terms “all” and “each” shall both be construed as all and each.

10. The connectives “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. The use of the singular form of any word includes the plural and vice-versa.

12. The term “identify” or “identity,” as used herein, shall have the following meanings, as the context shall make appropriate:

(a) When used with respect to a person, Applicant shall state the name of the person, describe the present or last known business address of that person or the present or last known residence address. If Applicant lacks such knowledge, state that person’s present or last known business, occupation, and employer, if any. Once a person has been thus identified in answer to an Interrogatory, it shall be sufficient, when again identifying that person, to state only his, her or its name.

(b) When used with respect to a document, Applicant shall state the date of the document, describe the general nature (e.g., letter, memorandum, photograph, computer printout, etc.) and subject matter of the document and specify:

- (1) The author or originator of the document;
- (2) Each person indicated as an addressee or copy recipient, or known by Applicant to have received a copy of the document;
- (3) If privilege is claimed by Applicant with respect thereto, state sufficient particulars to evaluate and contest the claim of privilege, including the date, author, addressee, recipients of copies and a statement of the subject matter contained in the document.

(c) When used with respect to a communication, Applicant shall, even though it may claim privilege with respect thereto, state whether the communication was written or oral. If written, Applicant shall identify the document or documents in which the communication was made. If oral, Applicant shall state:

- (1) The manner in which the communication was made (e.g., in person, by telephone, by radio, etc.);
- (2) The identity of each person who participated in or witnessed the communication;
- (3) The present location of each person who participated in or witnessed the communication; and
- (4) The date and place of the communication.

13. The term "website" refers to a single web page or collection of web pages suitable for the World Wide Web, including images, text, videos or other objects, hosted on a web server,

usually accessible via the Internet and/or through a web browser, whether in HTML, XHTML, or other format, whether able to be navigated via hyperlinks or not, whether pages are visible to a search engine and/or visible to a user (*i.e.*, including “hidden pages” visible to a search engine but not typically visible to a user), whether accessed from the common root URL or homepage, whether static content stored within the web server’s file system (static web pages) or dynamic web pages constructed by the web server when requested by a browser, and regardless of the physical server on which it resides.

14. The term “goods and/or services” refers to goods and/or services offered by Applicant used in connection with the OPPOSED MARK.

15. “Thing” or “Things” refers to any tangible item, including without limitation models, prototypes and samples of any device, product or apparatus.

16. The term “channels of trade” refers to the outlet(s) through which goods or services are advertised, marketed, offered for sale, sold and/or distributed.

INTERROGATORIES

1. Describe in detail the facts and circumstances surrounding Applicant’s first knowledge of the Opposer’s business, including but not limited to Applicant’s first knowledge of Opposer, Opposer’s goods and/or services, Opposer’s trade name and Opposer’s Mark, and identifying all evidence of each such knowledge and identifying each and every person with knowledge of such facts.

2. Describe in detail each good and/or service that Applicant has offered for sale, sold, advertised, promoted or intends to expand into offering for sale, selling, advertising, or promoting

under the Opposed Mark, the manner in which the mark is or will be used in connection therewith, and the date ranges during which the mark was used (including the date of first use).

3. Describe in detail the purchasers of Applicant's goods and/or services, including but not limited to the purchaser's level of sophistication, impulsivity of purchasing, quote and price comparison practices, and uses for Applicant's goods and/or services.

4. Describe in detail the channels of trade in which Applicant's goods and/or services are, or will be, offered for sale, sold, advertised and/or promoted.

5. Identify with specificity the marketing methods used or intended to be used by or for Applicant in the advertising and/or sale of goods and/or services under the Opposed Mark (including, without limitation, signs, labels, tags, wrappers, containers, packages, advertisements, Websites/domains, affiliate programs, use of Applicant's electronic content as advertising, email communications or blast to customers and/or affiliates, television advertisements, radio advertisements, brochures, newspapers, magazines, trade journals or periodicals, promotional materials and/or point-of-sale displays) and the dates each marketing method was ever used, and identify the persons with knowledge of marketing methods used or intended to be used by or for Applicant in the advertising and/or sale of goods or services under the Opposed Mark.

6. Describe all searches or investigations, if any, conducted by Applicant or any person on its behalf, including but not limited to its attorneys, to determine whether the Opposed Mark was available for use as trademark in the United States or was available for federal registration, identifying each such search or investigation, the dates upon which it was conducted, and the person(s) conducting the search or investigation.

7. Describe in detail the circumstances by which Applicant selected each of the Opposed Mark, including but not limited to all marks considered before selecting each of the

Opposed Mark; each person's participation in Applicant's selection, design and/or adoption of each of the Opposed Mark; and all relevant dates upon which each act occurred.

8. Identify with specificity the accounting methods used by, or on behalf of, Applicant to identify and quantify the sales revenues realized by Applicant in connection with its advertising, marketing, and/or sale of goods and/or services from the date of first use until present, including but not limited to dollar volume of sales from goods sold and/or services rendered, expenses, gross profit, net profit, and the manner in which sales can be traced and/or categorized by customer, good, service, advertisement, referral, source, and date.

9. Describe in detail all customer service inquiries, complaints, returns and/or exchanges made by Applicant's customers in connection with any goods shipped, distributed, or sold and/or services requested or rendered by Applicant.

10. Describe each and every instance, communication, oral or written, that Applicant or any person acting for or on Applicant's behalf has received or been made aware of from any members of the public or trade which states, suggests, implies, or infers that there is or may be any actual, or a likelihood of, confusion, connection, association, affiliation or sponsorship between Applicant and Opposer or their respective goods and/or services or their respective websites/domains, identifying all evidence of each such communication and identifying each and every person with knowledge of such facts.

11. If Applicant, or any person acting for or on its behalf, performed or had performed any study or analysis comparing any of Opposer's goods and/or services to any of Applicants' goods and/or services, separately for each such study or analysis, identify the person who performed the study or analysis and state in detail the conclusions made and the bases therefor.

12. Identify each business name and/or entity (including, without limitation, fictitious business name, corporation, partnership, LLC, etc.) that has been or is owned (all or in part) or controlled (all or in part) by Applicant in the last five (5) years, stating the specific dates, goods and/or services offered for sale, sold, advertised, marketed or promoted, use of Opposed Mark in connection therewith and extent of such ownership or control.

13. Identify the individual who can testify regarding the facts and circumstances of the date of first use and dates of first use in commerce as stated in the '551 Application.

14. Identify the individual who can testify regarding the opinion that Opposer's "use of the term 'MedQuest' for the services [it] provide[s] is bound to cause confusion" with Applicant's business as stated in the letter from Applicant's attorney to Opposer on March 15, 2007.

15. Identify each person who supplied information used in preparing the answer to these interrogatories.

DATED this 25th day of October, 2007.

MEDQUEST GLOBAL MARKETING RESEARCH, INC.

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Attorneys for Medquest Global Marketing Research, Inc.
Opposed Mark: MEDQUEST
U.S. Trademark Application Ser. No. 76/661,551

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MEDQUEST GLOBAL MARKETING)	
RESEARCH, INC.,)	Opposition No.: 91179798
)	
Opposers,)	OPPOSER'S FIRST SET OF
)	REQUESTS FOR PRODUCTION
v.)	OF DOCUMENTS AND THINGS
)	(NOS. 1-36) TO APPLICANT
MEDQUEST RESEARCH, LLC,)	
)	
Applicant.)	

PROPOUNDING PARTY: Opposer MEDQUEST GLOBAL MARKETING RESEARCH, INC.

RESPONDING PARTY: Applicant MEDQUEST RESEARCH, LLC

SET NUMBER: ONE

Pursuant to, and in accordance with the procedures of, Rule 34 of the Federal Rules of Civil Procedure, Opposer Medquest Global Marketing Research, Inc, (hereinafter "Opposer"),

requests that Medquest Research, LLC (hereinafter "Applicant") produce for inspection and copying the documents in the possession, custody or control of Applicant that are called for in the numbered requests set forth hereinafter. The documents are to be produced within thirty (30) days of the date of service hereof at the offices of Belasco Jacobs & Townsley, LLP, 6100 Center Drive, Suite 630, Los Angeles, California 90045.

INSTRUCTIONS

1. If any otherwise responsive document or thing has been, but no longer is, in the possession, custody or control of Applicant, each such document is to be identified by setting forth the following information to the extent known: (i) each addressor and addressee; (ii) the addresses of any indicated copies or blind copies; (iii) the date, subject matter, and number of pages of the document; (iv) the identity of any attachment or appendices to the document; (v) all persons to whom the document was distributed, shown or explained; (vi) its date of destruction or discard, manner of destruction or discard, and reasons for destruction or discard; and (vii) the persons authorizing and carrying out such destruction or discard.

2. A schedule of documents withheld from production by reason of any privilege, claim that it constitutes work product, or other immunity from discovery shall accompany the production. For each document withheld, the schedule shall identify the following with respect to each:

- (a) a description of the general type of documents, *e.g.*, letter, memorandum, report, miscellaneous note, etc.;
- (b) the number of pages comprising the document;
- (c) the date(s) on which the document was prepared and distributed;

- (d) the identity of the author;
- (e) the organization, if any, with which the author was then connected and his title or job description;
- (f) the identity of all addressees;
- (g) the identity of all other distributees;
- (h) the organization, if any, with which each addressee and distributee was then connected;
- (i) a general summary of the subject matter of the document;
- (j) the grounds for refusing to produce the document;
- (k) whether any portion of the document is not privileged; and
- (l) if the document reflects or refers to a meeting(s) or conversation(s), the name and address of all persons who were present at or parties to the meeting(s) or conversation(s), and a description of who those persons are.

3. Each withheld document shall be given an index number for the simplification of identification. The schedule shall be sufficiently detailed to permit Opposer to determine whether to make a motion with respect thereto, and/or to serve a *subpoena duces tecum* with respect thereto.

4. The obligation to provide the information sought by these document requests is continuing within the terms of Rule 26(e) of the Federal Rules of Civil Procedure.

5. Applicant is requested to produce documents as they are kept in the usual course of business or to organize and label them to correspond with the categories in the request as provided in Rule 34(b) of the Federal Rules of Civil Procedure.

6. In producing the requested documents, Applicant is required to furnish all

documents available to it including, by way of illustration only, and not limited to, documents in the possession, custody or control, of Applicant or its attorneys or its consultants or investigators or in the possession of Applicant's consultants, advisors, agents or associates.

7. As to any portion of any request which refers to documents that Applicant is aware of which were at one time within its possession, custody or control of Applicant but which are not now within or subject to the possession, custody or control of Applicant, identify such documents in a manner sufficient to describe such for a *subpoena duces tecum* and give the name, telephone number and address of the person last known by Applicant to have been in possession, custody or control of such documents.

8. If Applicant objects that a term or phrase is ambiguous or indefinite, then provide its understanding of the term or phrase and respond accordingly, as if that term or phrase has been so defined.

9. If Applicant is aware that a document or group of documents responsive to these requests once existed, but has been destroyed or discarded, Applicant is directed to state when the document or group of documents was destroyed or discarded, why the document or group of documents was destroyed or discarded, the person most knowledgeable about the content of the document(s) and the circumstances under which the document or group of documents was destroyed or discarded.

10. Color copies of documents are to be produced where color is necessary to interpret or understand the contents.

11 If, after exercising reasonable diligence, Applicant is unable to determine the existence of any documents or things falling within a production request, Applicant is requested to so state in any written response.

12. These requests for documents and things are submitted for purposes of discovery only, and nothing contained herein shall be taken as an admission of relevance, or as a manner of any objections to the admissibility at trial, or of any evidence or information requested or furnished in response thereto.

DEFINITIONS

As used herein, unless the context in which it appears clearly suggests otherwise, each of the following terms has the meaning set forth below:

1. The term "Opposer" refers to Opposer Medquest Global Marketing Research, Inc.
2. The terms "Applicant" and "YOU" refer to Applicant Medquest Research, LLC and any and all predecessors, parents, subsidiaries and divisions thereof, and all officers, directors, employees, agents, representatives, attorneys or other persons acting, or who at any time acted or purported to act, on behalf of Applicant Medquest Research LLC or on behalf of any such predecessors, affiliates, parents, subsidiaries and divisions thereof.
3. The term "OPPOSED MARK" refers to the opposed mark MEDQUEST which is the subject of U.S. Trademark Application Serial Number 76/661,551.
4. The term "the '551 Application" refers to the Trademark Application Serial Number 76/661,551.
5. The term "OPPOSER'S MARK" refers to Opposer's MEDQUEST mark as referred to in paragraphs two (2) through six (6) in the Notice of Opposition filed in this matter.
6. The term "prosecution" shall mean proceedings before the United States Patent and Trademark Office, including any interviews, correspondence or other materials, whether or not included in the prosecution file history maintained at the United States Patent and Trademark

Office.

7. The term "person" refers to any natural person, firm, association, partnership, corporation, government agency or other form of legal entity.

8. The term "document" refers to any written or recorded matter as described in Rule 34 of the Federal Rules of Civil Procedure including, without limitation, all writings, drawings, charts, photographs and recordings and shall include the original and every non-identical copy, draft or reproduction in the possession, custody or control of Applicant. The definition also includes information stored or recorded by any electronic means, including, without limitation, in a computer, hard drive, server compact disc, floppy disk, diskette, tape, record, cassette, electronic mail or voice mail, any other electronic recording or other data compilation from which information can be obtained or translated, or any matters defined in Rule 1001 of the Federal Rules of Evidence. Any such document bearing on any sheet (front or back), margin, attachment or enclosure thereof, any marks, such as, without limitation, initials, stamped initials, comments, or notations of any character, which are not part of the original text or reproduction thereof, is to be considered and produced as a separate document.

9. The terms "all" and "each" shall both be construed as all and each.

10. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. The use of the singular form of any word includes the plural and vice-versa.

12. The term "website" refers to a single web page or collection of web pages suitable for the World Wide Web, including images, text, videos or other objects, hosted on a web server, usually accessible via the Internet and/or through a web browser, whether in HTML, XHTML, or

other format, whether able to be navigated via hyperlinks or not, whether pages are visible to a search engine and/or visible to a user (*i.e.*, including “hidden pages” visible to a search engine but not typically visible to a user), whether accessed from the common root URL or homepage, whether static content stored within the web server’s file system (static web pages) or dynamic web pages constructed by the web server when requested by a browser, and regardless of the physical server on which it resides.

13. The term “goods and/or services” refers to goods and/or services offered by Applicant used in connection with the OPPOSED MARK.

14. “Thing” or “Things” refers to any tangible item, including without limitation models, prototypes and samples of any device, product or apparatus.

15. The term “channels of trade” refers to the outlet(s) through which goods or services are advertised, marketed, offered for sale, sold and/or distributed.

REQUESTS

1. Each and every document that refers to, relates to, or concerns the OPPOSED MARK.

2. Each and every document referring to, concerning, or relating to OPPOSER.

3. Each and every document that refers to, relates to, or constitutes communications between APPLICANT and OPPOSER.

4. Each and every document that refers to, relates to, or reflects the prosecution and status of the ‘551 Application.

5. Each and every document that refers to, relates to, or reflects communications between APPLICANT and any third party to this action with respect to the ‘551 application.

6. Each and every document that refers to, relates to, or reflects facts underlying APPLICANT'S creation, conception, development and decision to adopt the OPPOSED MARK for use in connection with APPLICANT'S goods and/or services and all documents sufficient to identify each person involved in the creation, conception, development and decision to adopt the OPPOSED MARK.

7. All documents which refer to each search or investigation ever conducted by APPLICANT to determine the availability of the OPPOSED MARK.

8. All documents that support or contradict APPLICANT'S allegation of first use anywhere and in commerce in connection with the OPPOSED MARK.

9. All documents that support or contradict APPLICANT'S stated dates of first use in the '551 application.

10. Each and every document that refers to, relates to, or reflects any use by APPLICANT of OPPOSED MARK whether the use qualifies as a use in commerce, whether a bona fide use of the mark in the ordinary course of trade or not.

11. Each and every document that refers to, relates to, or reflects the first sale by APPLICANT of goods and/or services that allegedly embodies the trademark rights of APPLICANT asserted in the '551 application, including but not limited to documents sufficient to show the date of the first sale.

12. Documents sufficient to establish that APPLICANT'S goods and/or services that embody the alleged trademark rights asserted in the '551 application have been offered for sale (1) continuously, or (2) discontinuously from the first introduction thereof to date.

13. Documents sufficient to show all of APPLICANT'S advertising, marketing and promotional activities that allegedly resulted in or contributed to the trademark rights alleged in

the '551 application.

14. Each and every document that refers to, relates to, or reflects each and every good and/or service offered for sale, advertised, marketed, distributed, provided or otherwise promoted by APPLICANT in connection with the OPPOSED MARK.

15. A sample of each different label, tag, wrapping, package, package insert, advertisement, brochure, photograph, drawing, marketing or promotional material, and website page used in connection with any of APPLICANT'S goods and/or services that embody the OPPOSED MARK as well as documents sufficient to show the identity of any periodicals or other publications that contained any articles, advertising or promotional material that evidence APPLICANT'S use anywhere and in commerce of the OPPOSED MARK.

16. Documents sufficient to show all of APPLICANT'S expenditures for advertising, marketing and promotional activities that allegedly resulted in or contributed to the trademark rights alleged in the '551 application.

17. Documents sufficient to show and quantify APPLICANT'S sales that gave rise in whole or in part to the trademark rights alleged in the '551 application, both in terms of units/services sold and the dollar volume thereof.

18. All documents referring, reflecting or relating to any instances of actual confusion, mistake or deception among members of the public or trade as to a relationship between APPLICANT and OPPOSER or between the goods and/or services of APPLICANT and those of OPPOSER.

19. All documents relating to the general organization of APPLICANT and the organizational structure of each department or group of APPLICANT responsible for conceiving of, developing, offering for sale, distributing, promoting, marketing and providing goods and/or

services embodying and/or used in connection with the OPPOSED MARK.

20. All documents evidencing, relating to, or referring to each and every good and/or service made, sold, distributed, provided or offered for sale in connection with the OPPOSED MARK and the date range during which each such good and/or service was made, sold, distributed, provided or offered for sale.

21. All documents evidencing, relating to, or referring to consumers and/or purchasers to whom APPLICANT'S goods and/or services are offered for sale, sold, marketed, advertised, provided, or otherwise promoted by APPLICANT in connection with the OPPOSED MARK.

22. All documents evidencing, relating to, or referring to conditions under which sales are made of APPLICANT'S goods and/or services in connection with the OPPOSED MARK, including but not limited to those indicating the level of sophistication of the buyer, impulsivity of purchasing, price comparison and the like, undertaken by purchasers or potential purchasers.

23. All documents evidencing, relating to, or referring to third party uses of marks that are identical or similar to the OPPOSED MARK

24. All documents evidencing, relating to, or referring to the channels of trade for the sale and/or advertisement of goods and/or services sold by APPLICANT in connection with the OPPOSED MARK.

25. Each and every document referring to, concerning, or relating to APPLICANT'S knowledge of Opposer's goods and/or services bearing the OPPOSER'S MARK, including but not limited to documents referring to, concerning, or relating to APPLICANT'S first knowledge of OPPOSER and Opposer's goods and/or services bearing the OPPOSER'S MARK.

26. Each and every document referring to, concerning, or relating to APPLICANT'S sales, including purchase records, service records, payment records, shipping records, and customer service issues, inquiries and/or complaints, returns and/or exchanges.

27. Each and every document that refers to, relates to, or reflects communications between APPLICANT and any third party to this action with respect to the OPPOSED MARK.

28. Each and every document that refers to, relates to, or embodies facts concerning any determination or consideration by APPLICANT of whether or not the OPPOSED MARK is likely to cause confusion with OPPOSER'S MARK.

29. All documents that refer or relate to any studies, investigation, surveys, opinions or reports, including but not limited to studies, opinions or reports of advertising and marketing agencies, and polling, public relations, market research and public opinion agencies, consulted or retained by APPLICANT, which refer to APPLICANT'S goods and/or services that allegedly embody or are used in connection with the OPPOSED MARK.

30. All documents evidencing, reflecting, relating to or referring to studies or analyses performed comparing any of APPLICANT'S goods and/or services to any of OPPOSER'S goods and/or services.

31. All documents evidencing, referring to, or relating to APPLICANT'S document retention or destruction policy.

32. Each and every document that refers to, relates to, or embodies the registration, ownership, transfer of ownership or use of the domain name www.medquestresearch.com.

33. Each and every document that refers to, relates to, or embodies advertising, sales, ad tracking, click-through rates, pay per click advertising keywords and reports, website traffic statistics and/or techniques used for search engine optimization and/or search engine ranking of

the domain name www.medquestresearch.com.

34. Each and every document that refers to, relates to, or reflects the facts and circumstances surrounding APPLICANT'S first knowledge of the OPPOSER and/or OPPOSER'S goods and/or services.

35. Each and every document that refers to, relates to, or reflects the facts and circumstances surrounding APPLICANT'S first knowledge of the OPPOSER'S MARK.

36. Each and every document upon which APPLICANT relies or has relied in formulating its opinion that APPLICANT'S use of the term "medquest" in connection with its goods and/or services is not likely to cause confusion with OPPOSER'S MARK.

DATED this 25th day of October, 2007.

MEDQUEST GLOBAL MARKETING RESEARCH, INC.

By: Danielle M. Criona
Bruce A. Jagger
Danielle M. Criona
BELASCO JACOBS & TOWNSLEY, LLP
6100 Center Drive, Suite 630
Los Angeles, California 90045
(310) 743-1188 (office)
(310) 743-1189 (facsimile)
Attorneys for Opposer

Thomas V. Smurzynski - Trademark Opposition 91179798 (MEDQUEST) (MEDS-003)

From: Thomas V. Smurzynski
To: Jagger, Bruce
Date: 11/26/2007 3:59 PM
Subject: Trademark Opposition 91179798 (MEDQUEST) (MEDS-003)

Dear Mr. Jagger:

You served interrogatories and document production requests on me on October 25, and I served such requests on you on November 1.

Our written responses are therefor due November 29, and yours are due December 6.

My client has been traveling fairly constantly on business since we received your discovery requests, and has been unable to prepare responses.

I would like to request an extension of 45 days (to get us past the holiday season) for my client to respond. I would of course agree to the same extension for your client, and to an extension of the discovery period if you think it necessary.

That would make our responses due January 11, and yours due January 18.

Please let me know whether you consent to the mutual extension.

Thomas V. Smurzynski
Lahive & Cockfield, LLP
One Post Office Square
Boston, MA 02109-2127
Direct Dial: 617-994-0749
Fax: 617-742-4214
E-mail: tvsm@lahive.com
Website: www.lahive.com

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Exhibit 2

Thomas V. Smurzynski - Trademark Opposition 91179798 (MEDQUEST) (MEDS-003)

From: Thomas V. Smurzynski
To: Jagger, Bruce
Date: 11/27/2007 9:49 AM
Subject: Trademark Opposition 91179798 (MEDQUEST) (MEDS-003)

Dear Mr. Jagger:

This is a follow-on to my e-mail message of yesterday, requesting a mutual extension of our times for responding to discovery.

I realize I miscalculated the extended due dates. Instead of January 11 and January 18, they should be January 13 and January 20, respectively.

I look forward to hearing from you.

Thomas V. Smurzynski
Lahive & Cockfield, LLP
One Post Office Square
Boston, MA 02109-2127
Direct Dial: 617-994-0749
Fax: 617-742-4214
E-mail: tvsm@lahive.com
Website: www.lahive.com

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**Thomas V. Smurzynski - RE: Trademark Opposition 91179798 (MEDQUEST)
(MEDS-003)**

From: "Bruce Jagger" <BJagger@bjtlaw.com>
To: "Thomas V. Smurzynski" <tvslahive.com>
Date: 11/27/2007 2:18 PM
Subject: RE: Trademark Opposition 91179798 (MEDQUEST) (MEDS-003)

Dear Mr. Smurzynski,

Thank you for your communications. We are attempting to reach our client. We expect that by late tomorrow we should have an answer for you.

Danielle Criona will be working on this matter. I would appreciate your including her on future emails. She will contact you tomorrow concerning your request for a mutual extension of time. Her contact information will be part of that communication.

Bruce Jagger

From: Thomas V. Smurzynski [mailto:tvslahive.com]
Sent: Tuesday, November 27, 2007 6:50 AM
To: Bruce Jagger
Subject: Trademark Opposition 91179798 (MEDQUEST) (MEDS-003)

Dear Mr. Jagger:

This is a follow-on to my e-mail message of yesterday, requesting a mutual extension of our times for responding to discovery.

I realize I miscalculated the extended due dates. Instead of January 11 and January 18, they should be January 13 and January 20, respectively.

I look forward to hearing from you.

Thomas V. Smurzynski
Lahive & Cockfield, LLP
One Post Office Square
Boston, MA 02109-2127
Direct Dial: 617-994-0749
Fax: 617-742-4214
E-mail: tvslahive.com
Website: www.lahive.com

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No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.503 / Virus Database: 269.16.7/1152 - Release Date: 11/26/2007 10:50 AM

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.5.503 / Virus Database: 269.16.8/1154 - Release Date: 11/27/2007 11:40 AM

Thomas V. Smurzynski - MEDQUEST Opposition

From: "Danielle Criona" <DCriona@bjtlaw.com>
To: <tvslahive.com>
Date: 11/28/2007 5:59 PM
Subject: MEDQUEST Opposition
CC: "Bruce Jagger" <BJagger@bjtlaw.com>

Dear Mr. Smurzynski,

We are responding to your emails to Bruce Jagger requesting a mutual extension of time to respond to outstanding discovery as well as extending all preset dates in the Opposition re MEDQUEST, Opposition No. 91179798.

Our client wants to resolve this issue as soon as possible and is not inclined to grant any extensions. However, understanding travel and holiday schedules, we are willing to agree to a 45 day extension on all dates (including current party discovery deadlines and preset TTAB dates) if your client will agree that for any deposition taken in the Opposition, whether during the discovery or testimony period, may be taken and attended via video conference and/or telephone and that personal appearance will not be required by any party, witness or counsel.

If this is acceptable to you, then we will agree to an extension of time for your client to respond to the First Set of Interrogatories and Request for Admissions no later than January 13th and our client's responses to the same served by you would be due on January 18th. We also agree to a 45 day extension of all pending preset TTAB dates.

Please let us know if you client is amenable to this.

Sincerely,

Danielle M. Criona, Esq.
Belasco, Jacobs & Townsley, LLP
6100 Center Drive, Suite 630
Los Angeles, CA 90045
Phone: (310) 743-1188
Fax: (310) 743-1189
Email: dcriona@bjtlaw.com
Website: www.bjtlaw.com

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Thomas V. Smurzynski - Re: MEDQUEST Opposition

From: Thomas V. Smurzynski
To: Criona, Danielle
Date: 11/29/2007 9:48 AM
Subject: Re: MEDQUEST Opposition

Dear Ms. Criona:

Thanks for your reply. I am not at all sure what your conditions are for agreeing to the extension, which I considered to be quite mutual.

Rather than try to figure out the implications of "personal appearance will not be required by any party, witness or counsel," I will request an extension of time to respond to your discovery from the Trademark Trial and Appeal Board. I assume that your client will respond to our discovery requests on the original due date.

Tom Smurzynski

>>> "Danielle Criona" <DCriona@bjtlaw.com> 11/28/2007 6:17 PM >>>
Dear Mr. Smurzynski,

We are responding to your emails to Bruce Jagger requesting a mutual extension of time to respond to outstanding discovery as well as extending all preset dates in the Opposition re MEDQUEST, Opposition No. 91179798.

Our client wants to resolve this issue as soon as possible and is not inclined to grant any extensions. However, understanding travel and holiday schedules, we are willing to agree to a 45 day extension on all dates (including current party discovery deadlines and preset TTAB dates) if your client will agree that for any deposition taken in the Opposition, whether during the discovery or testimony period, may be taken and attended via video conference and/or telephone and that personal appearance will not be required by any party, witness or counsel.

If this is acceptable to you, then we will agree to an extension of time for your client to respond to the First Set of Interrogatories and Request for Admissions no later than January 13th and our client's responses to the same served by you would be due on January 18th. We also agree to a 45 day extension of all pending preset TTAB dates.

Please let us know if you client is amendable to this.

Sincerely,

Danielle M. Criona, Esq.
Belasco, Jacobs & Townsley, LLP
6100 Center Drive, Suite 630
Los Angeles, CA 90045
Phone: (310) 743-1188
Fax: (310) 743-1189
Email: dcriona@bjtlaw.com
Website: www.bjtlaw.com

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